

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 08-CR-20221  
HON. GEORGE CARAM STEEH

KIRKLAND DUDLEY,

Defendant.

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ORDER DENYING, IN PART, DEFENDANT'S MOTION TO  
EXTEND REPORT DATE BEYOND SEPTEMBER 29, 2009 (#47)

Defendant Kirkland Dudley moved on August 28, 2009 to extend his September 8, 2009 surrender date to the Bureau of Prisons ("BOP") by six months due to on-going medical issues. On September 2, 2009, the court issued an Order granting the motion, in part, by extending the report date to September 29, 2009 or later as determined by the BOP. The court took the remainder of the motion under advisement to allow the Government two-weeks to investigate whether the BOP can accommodate Dudley's asserted medical needs.

The Government filed a timely response on September 10, 2009. Attached to the response is a three-page September 9, 2009 letter from BOP Regional Health Systems Administrator Christopher Lamb. Mr. Lamb represents that Dudley's medical records have been reviewed by both himself and Regional Medical Director for the BOP's North Central Region, Dr. Paul T. Harvey. Lamb states that Dudley has been categorized by the BOP as a CARE Level 3 inmate.

**CARE level 3 inmates-** are fragile outpatients who require frequent clinical contacts to prevent hospitalization for catastrophic events. They may require some assistance with activities of daily living, but do not need daily nursing care. Inmate companions may be used to provide assistance. Stabilization

of medical or mental health conditions may required [sic] periodic hospitalization. Examples: cancer in remission less than a year, advanced HIV disease, severe mental illness in remission on medication, severe congestive heart failure, end-stage liver disease.

September 9, 2009 letter, at 2. Mr. Lamb concludes:

Based upon the limited medical records provided, it appears Mr. Dudley has multiple health concerns, including an active ulcerative colitis, diabetes, and hypertension. I understand that defense counsel has requested a postponement of Mr. Dudley's self-surrender date due to his medical conditions. Based on the medical records provided, we conclude the BOP has the necessary staff and resources to properly manage Mr. Dudley's medical needs.

Id. at 3.

Upon review of the Government's response and Mr. Lamb's September 9, 2009 letter, the court finds that the BOP can accommodate Dudley's asserted medical needs. Accordingly, Dudley's request for a six-month extension of his report date is hereby DENIED, IN PART, to the extent that Dudley is hereby ORDERED to self-report to the BOP on September 29, 2009, or later as determined by the BOP.

SO ORDERED.

Dated: September 14, 2009

s/George Caram Steeh  
GEORGE CARAM STEEH  
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on September 14, 2009, by electronic and/or ordinary mail.

s/Marcia Beauchemin  
Deputy Clerk